1 DANIEL G. BOGDEN United States Attorney CRISTINA D. SILVA 2 Assistant United States Attorney 333 Las Vegas Boulevard South, Suite 5000 3 Las Vegas, Nevada 89101 4 Phone: (702) 388-6336 Fax: (702) 388-6698 5 UNITED STATES DISTRICT COURT 6 **DISTRICT OF NEVADA** -000-7 UNITED STATES OF AMERICA, Case No. 2:15-mj-00640-CWH ) 8 Plaintiff, **Preliminary** Stipulation to Continue 9 **Hearing** (Second Request) VS. 10 REGINALD WEAVER, 11 Defendant. 12 13 IT IS HEREBY STIPULATED AND AGREED, by and between DANIEL G. 14 BOGDEN, United States Attorney, and CRISTINA D. SILVA, Assistant United States 15 Attorney, counsel for the United States of America, and PAUL RIDDLE, Assistant Federal Public Defender, counsel for defendant REGINALD WEAVER, that the preliminary hearing 16 date in the above-captioned matter, currently scheduled for September 24, 2015, at 4:00 pm, be 17 vacated and continued for forty-five (45) days, to a date and time to be set by this Honorable 18 Court. 19 This stipulation is entered into for the following reasons: 20 1. The parties request a continuance of the preliminary hearing so they may 21 engage in pre-indictment plea negotiations, which may eliminate the need for a preliminary hearing or an indictment. 22 2. The parties agree to the continuance. 23 3. The defendant is not incarcerated and does not object to the continuance. 24

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1	4. Additionally, denial of this request for continuance could result in				
2	miscarriage of justice.				
3	5. The additional time requested herein is not sought for purposes of delay				
4	but to for a possible pre-indictment resolution of the case.				
5	6. The additional time requested by this stipulation, is allowed, with the				
6	defendant's consent under the Federal Rules of Procedure 5.1(d).				
7					
8	DATED this 23rd day of September, 2015.				
9	Respectfully submitted,				
10	DANIEL G. BOGDEN United States Attorney				
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13	March   Marc				
14	Counsel for Defendant -   REGINALD WEAVER				
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## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,			) Case No. 2:15-mj-00640-CWH	
	P	laintiff,	) FINDINGS OF FACT AND ORDER	
vs.			) )	
REGINALD V	VEAVI	ER,	) )	
Defendant.			)	
		FINDING	SS OF FACT	
	Based	on the pending Stipu	lation of counsel, and good cause appearing	
therefore, the	Court f	inds that:		
	1.	That the parties seek t	to continue the preliminary hearing in order to	
engage in pre-indictment plea negotiations, which may eliminate the need for a preliminary				
hearing or an i	ndictm	ent.		
	2.	That the parties agree to	the continuance.	
	3.	That the defendant is	incarcerated and but does not object to the	
continuance.				
	4.	Additionally, that denia	l of this request for continuance could result in a	
miscarriage of	justice	<b>.</b> .		
	5.	That the additional time	e requested herein is not sought for purposes of	
delay, but to al	llow fo	r a possible pre-indictmen	nt resolution of the case.	
	6.	That the additional tim	e requested by this stipulation, is allowed, with	
the defendant's	s conse	nt under the Federal Rule	es of Procedure 5.1(d).	
	7.	This is the <u>second</u> reque	est to continue the preliminary hearing date filed	
herein.				

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For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

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**CONCLUSIONS OF LAW** 

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the preliminary hearing, and possibly resolve the case prior to the preliminary hearing, taking into account the exercise of due diligence.

The continuance sought herein is allowed, with the defendant's consent, pursuant to Federal Rules of Procedure 5.1(d).

## **ORDER**

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for September 23, 2015, at the hour of 4:00 pm, be vacated and continued to Monday, November 23, 2015, at 4:00 p.m.

DATED September 24, 2015

THE HONORABLE CARL W. HOFFMAN UNITED STATES MAGISTRATE JUDGE